

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 931 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHATT MONA KANTILAL

Versus

UNION OF INDIA

Appearance:

MR KAUSHAL J THAKER for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 05/02/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing Counsel for the Central Government waives service of notice of rule on behalf of the respondents.

At the request of learned advocate appearing for the parties, the petition is heard today.

By means of filing this petition under Art. 226

of Constitution, the petitioner has prayed to direct the respondents to take immediate action to correct date of birth of the petitioner from November 6, 1969 to November 5, 1969 in the Passport which is issued by the respondent.

In the year 1993, the petitioner had applied for Passport. The respondent had granted the same. In the said Passport, date of birth of the petitioner was mentioned to be November 5, 1969. After marriage, the petitioner applied to the respondent for change in name. However, while effecting change, the respondent has mentioned date of birth of the petitioner to be November 6, 1969. The petitioner has averred that Certificate of Birth issued by competent authority under the provisions of Registration of Births and Deaths Act, 1969 as well as School Leaving Certificate indicate that date of birth of the petitioner is November 5, 1969, but because of some mistake, while effecting change in name of the petitioner, date of birth of the petitioner is mentioned to be November 6, 1969. The grievance made in present petition is that though the petitioner had applied to the respondent for correction of date of birth, the said request is not entertained by the respondent. Under the circumstances, the petitioner has filed present petition and claimed relief to which reference is made earlier.

From Annexure A, it is evident that when the petitioner was issued Passport, her birth date was mentioned to be November 5, 1969. The certificate of birth as well as School Leaving Certificate produced by the petitioner also show that the date of birth of the petitioner is November 5, 1969. While effecting change in name of the petitioner, the respondent was not justified in mentioning date of birth of the petitioner to be November 6, 1969. Under the circumstances, following direction is given :

The respondent is directed to act upon the Certificate of Birth as well as School Leave Certificate and correct date of birth accordingly in the Passport issued to the petitioner. Rule is made absolute accordingly, with no order as to costs. Direct service is permitted.
